

U.S. Application No. 09/898,850, filed July 3, 2001

Comments on Statement of Reasons for Allowance dated July 20, 2006

In Reply to Notice of Allowability of May 24, 2006

REMARKS

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "accepting data from a source of user data; accumulating the data until a Huffman codeword is recognized; mapping the Huffman codeword into a channel symbol, the mapping generating a distribution that is approximately characterized by a sampled Gaussian distribution; and applying the channel symbol to an input of a channel at a constant rate" as set forth in claim 1.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "a communication node having a shaper, the shaper generating channel symbols in a constellation that exhibits a shaping gain of greater than 1 dB, wherein the shaper comprising a Huffman decoder that maps channel symbols into a distribution that is approximately a sampled Gaussian distribution, and wherein the communication node transmits channel symbols at a constant rate" as set forth in independent claim 16.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "a communication node that performs a Huffman decoding operation to generate channel symbols that are characterized approximately by a sampled Gaussian distribution, the communication node transmitting the channel symbols at a constant rate" as set forth in independent claim 20.

Applicants respectfully submit that the Examiner's Statement might imply that the dependent claims are only allowable because they depend from allowed independent claims. However, the Examiner's Statement does not discuss any of the other elements of the claimed subject matter, in particular, those additional elements recited in the dependent claims which may render the dependent claims independently allowable in view of the specification, prosecution file history and/or the documents made of record, either alone or in combination.

Applicants respectfully submit that the Examiner's Statement presents only some of the reasons for allowance of the claims, and that other reasons also exist for allowing the claims such as, for example, those set forth more completely in the record as a whole. This interpretation is consistent with M.P.E.P. § 1302.14, which states that any statement of reasons for allowance "[i]s not intended to necessarily state all the reasons for allowance or all the details why claims

FROM McANDREWS, HELD, & MALLOY

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are allowed and should not be written to specifically or impliedly state all the reasons for allowance are set forth." M.P.E.P. § 1302.14.

Finally, Applicants agree with the Examiner that claims 1-24 are allowable in view of all of the documents made of record, either alone or in combination. However, Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. In closing, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, or the characterization of the recited claim elements should that need arise in the future.

If the Examiner has questions, or if Applicants can be of assistance, the Examiner is invited and encouraged to contact Applicants' representative at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: July 20, 2006

Respectfully submitted,

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